

UMass Professor Files Final DEA Brief in 10-Year Fight to End Government's Monopoly on Marijuana for Research

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On Monday, March 7, Professor Lyle Craker, Director of the Medicinal Plant Program at the University of Massachusetts-Amherst, filed the [final brief](#) in his ten-year fight to persuade the Drug Enforcement Administration (DEA) to allow him to grow marijuana for medical research. Craker is represented by the American Civil Liberties Union (ACLU) and the Washington, D.C., law firm Jenner & Block.

Craker is seeking a license to grow marijuana under contract to the [Multidisciplinary Association for Psychedelic Studies](#) (MAPS), a non-profit research and educational organization whose mission includes developing marijuana into an FDA-approved prescription medicine. MAPS and Craker are working to end the government's monopoly on the supply of marijuana for research in order to open the door for privately funded studies.

A lab at the University of Mississippi funded by the National Institute on Drug Abuse (NIDA) is currently the only facility in the U.S. permitted to grow marijuana for research. NIDA's mandate only to fund research into the harms of marijuana has led to its refusal to provide marijuana to two MAPS-sponsored FDA-approved protocols, preventing them from taking place.

On June 25, 2001, Craker applied for a DEA license to start a marijuana production facility at the University of Massachusetts-Amherst to be funded by MAPS. On February 12, 2007, nearly six years after the DEA refused to grant him a license, DEA Administrative Law Judge Mary Ellen Bittner issued an [87-page ruling](#) stating that ending the NIDA monopoly was in the public interest and recommending that Craker's request be granted.

On January 14, 2009, after a two-year delay and just six days before Obama's inauguration, Acting DEA Administrator Michelle Leonhart [rejected Bittner's recommendation](#) and denied the application. On January 30, 2009, Craker and his lawyers filed a [Motion to Reconsider](#). On December 2, 2010, after yet another two-year delay, the Motion to Reconsider was denied. In the

[denial letter](#), the DEA offered Craker a chance to submit a final brief about the case. This final brief was submitted yesterday.

Fifteen states and the District of Columbia have passed laws allowing the medical use of marijuana. Ever since physicians in the 1970s began recognizing marijuana's ability to relieve some of the suffering associated with AIDS and cancer chemotherapy, sponsors seeking to develop marijuana into an FDA-approved prescription medicine have been blocked from conducting research, forcing them to use political means such as federal lobbying and state-based initiatives.

Despite increasingly widespread recognition of marijuana's therapeutic benefits from patients and state legislatures alike, the federal government still insists that marijuana is a dangerous drug with no medical value. By preventing research on the plant from moving forward, NIDA and the DEA are preventing patients from accessing the medicine they need.

[A new study by MAPS](#) proposes to investigate the safety and effectiveness of smoked and/or vaporized marijuana for the treatment of posttraumatic stress disorder in US war veterans. Although the Food and Drug Administration is likely to approve the protocol in the next several months, the study still needs to pass through the redundant NIDA/Public Health Service review process that exists only because of NIDA's monopoly. Past experience with the NIDA/PHS review process suggests that permission to conduct the research is unlikely to be forthcoming.

In 1992, former DEA Administrator Richard Bonner offered this suggestion: "Those who insist that marijuana has medical uses would serve society better by promoting or sponsoring more legitimate scientific research, rather than throwing their time, money, and rhetoric into lobbying, public relations campaigns, and perennial litigation."

Craker's legal brief is the latest attempt by scientists to facilitate privately-funded medical marijuana research. Unfortunately, current DEA officials are likely to block scientific research for political reasons, and will almost certainly reject Bittner's 2007 recommendation. The case could then continue in the D.C. Circuit Court of Appeals and provide ample justification for future state-level reform efforts.

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